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Editor's Note: Globalization and Governance: The Prospects for Democracy Symposium

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Globalization and Governance: The Prospects for Democracy

Editor's Note

ALFRED C. AMAN, JR.

When the *Indiana Journal of Global Legal Studies* published its first issue ten years ago, *globalization* was still a relatively new term among scholars—but one that was suddenly circulating widely across law and other disciplines in the wake of the collapse of the Soviet Union, the reunification of Germany, the creation of the European Union, and the end of the Gulf War. The end of the Cold War created an illusion of limitless mobility; indeed, in the 1980s, migration—and in particular, immigration to Europe and the United States—approached new peaks. The new mobility of capital also seemed to confirm a borderless world, as structural adjustment regimes remade national economies, and new transnational institutions emerged to encourage and govern world trade. New technologies of communication—even fax was relatively new then—made the world seem small. Migration, telecommunications, and the new world markets for consumer goods were widely read as harbingers of deeper harmonization in the social, political, and economic spheres of the “new world order.” Worldwide agreements on human rights seemed within the realm of the possible. Against this backdrop, the durability of nationalisms and the emergence of new ethnonationalist movements (including large-scale ethnic violence) were registered as counter-currents to these developments; however, the end of apartheid in South Africa seemed to herald the eventual end of even the most tenacious antagonisms.

Given the range of institutions involved in these transnational developments as well as their profound social effects, globalization emerged as a theme across a wide horizon of disciplines, including law, occasioning a broad spectrum of institutional analyses, theoretical assessment, and critical engagement. The first issue of the *IJGLS* took the measure of these developments in various institutional sectors in different parts of the world, publishing a set of papers from a three-day symposium at the Indiana University—Bloomington School of Law, the first in a series of annual agenda-setting conferences at the Law School. The participants in these conferences,

as well as the scores of authors who have volunteered their papers for publication over the years, including the authors of student notes and book reviews, have made the journal a comprehensive international, multidisciplinary forum for the analysis of and critical debate over the processes of globalization and their externalities. In this project, the support of the Law School and Indiana University has been indispensable—and so, too, have been ten generations of exceptionally talented and dedicated student editors.

In this anniversary issue, we continue to look forward—to what has emerged as the most important externality of globalization: the democracy deficit. With one exception, the articles are based on the authors' contributions to the tenth Global Legal Studies symposium at the Law School on April 5 and 6, 2002. Saskia Sassen's keynote address introduces the volume. Sassen examines the relationship between globalization and citizenship, envisioning the possibilities for a new accountability of global economic actors through national institutional arrangements. Following the keynote, the articles are grouped into three Parts. The articles in Part I (by Jost Delbrück, Steve Charnovitz, and Paul Craig) focus on international and supranational institutions of governance, asking whether a transnational *demos* is possible, and—from different perspectives—considering the prospects for global democratic legitimacy. In Part II, the articles (by Alfred Aman, Sir David Williams, Janet McLean, David Mullen and Antonella Ceddia, John Dernbach, and Tun Myint) turn the lens the other way, examining the impact of globalization on domestic law and, in particular, the consequences of recent developments in national public law for globalization. Their country foci differ, as well as their substantive foci; however, their common theme is the significance of national law in the pragmatics of globalization—and their shared implication that the democracy deficit might be addressed through domestic institutions as well as through new transnational arrangements. But states are not the only actors in transnational or global processes. In Part III, the authors (Muna Ndulo, Mariella Pandolfi, and Ugo Mattei) examine specific contexts in which a democracy deficit is a product of the asymmetrical or fragmentary relationship between states and non-state actors—structural adjustment in Africa (Ndulo), humanitarian NGOs in Bosnia and Kosovo (Pandolfi) and the Americanization of global markets and law (Mattei). These circumstances are distinct in important and obvious ways; however, each of the authors looks to the emergence of new or stronger national institutions as sites of resistance and recuperation. The volume concludes with an essay by Susan Marks, on themes of globalization, imperialism, and sovereignty, based on her

address as the Law School's Snyder Lecturer on March 7, 2002. And so the volume comes full circle, having considered the democracy deficit as a serious negative externality of globalization—and the prospects for addressing the democracy deficit through local, national, and transnational institutions. Significantly, the perspectives and the proposals vary; together, they make a richly informed and highly imaginative critical dialogue, and set a provocative agenda for future research and innovation. Their sophistication is above all in their aspirations—not for one world government, but for a world where no person's value is discounted by government in the name of globalization's imperatives. Our contributors look to citizenship, scholarship, and the articulation of global and national institutions for fresh source materials as they develop new proposals for understanding and addressing the democracy deficit as we know it today. As we go to press, and look ahead to the next ten years, one can only hope that the aspirations behind these essays will not soon date them.